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8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

9 COUNTY OF COCHISE

10 **CHARLES BAILEY**, personal  
11 representative of the estate of Nelita  
12 Bailey,  
13 Plaintiff,

14 v.

15 **LIFE CARE CENTER OF SIERRA**  
16 **VISTA**, an Arizona corporation,  
17 Defendant.

Case No.:

**COMPLAINT**

**(Jury Trial Demanded)**

18 Plaintiff Charles Bailey, personal representative of the estate of Nelita Bailey, states  
19 and alleges as follows.

20 **FACTS**

- 21 1. Plaintiff Charles Bailey and his late wife, Nelita Bailey, were part-year residents of  
22 Huachuca City, Arizona at all times relevant to this Complaint. Mr. Bailey continues  
23 to spend the winter months in Huachuca City.
- 24 2. At all times relevant to this Complaint, Charles Bailey was lawfully married to Nelita  
25 Bailey, and he is personal representative of her estate.
- 26 3. Nelita Bailey was born on February 15, 1946, and died on August 25, 2017 at age 71.

- 1 4. Defendant Life Care Center of Sierra Vista is an inpatient and outpatient rehabilitation  
2 nursing home facility located at 2305 E. Wilcox Drive, Sierra Vista, AZ 85635.
- 3 5. All actions relevant to this Complaint took place in Cochise County, Arizona.
- 4 6. After receiving treatment at Canyon Vista Medical Center, on or about February 8,  
5 2017 Nelita Bailey was admitted to Life Care Center of Sierra Vista suffering from a  
6 "general skin condition," including bruises and excoriated skin at her inner thigh.  
7
- 8 7. Ms. Bailey was treated on an inpatient basis at Life Care Center of Sierra Vista from  
9 February 8, 2017 through February 21, then from February 23 through February 24,  
10 then from March 6 through March 20, and finally from March 23 through March 29,  
11 2017.  
12
- 13 8. Life Care Center of Sierra Vista discharged Ms. Bailey on or about March 29, 2017.
- 14 9. During the dates between her admissions at Life Care Center of Sierra Vista, Ms.  
15 Bailey received treatment at Canyon Vista Medical Center, after which she was re-  
16 referred back to Life Care Center of Sierra Vista each time until her discharge.  
17
- 18 10. While Nelita Bailey was a patient in Life Care Center of Sierra Vista's care,  
19 Defendant failed to prevent her worsening incontinence-related dermatitis, failed to  
20 enact and follow an appropriate care plan to prevent bleeding complications, and  
21 failed to maintain an accurate and complete clinical record of her treatment and  
22 condition.  
23
- 24 11. As a direct and proximate result of Life Care Center of Sierra Vista's failures, Nelita  
25 Bailey developed painful and enduring health problems, including sacral bed sores  
26  
27  
28

1 and resulting emotional distress, and Charles Bailey suffered resulting loss of  
2 consortium and emotional distress.

3  
4 **COUNT ONE – NEGLIGENCE**

5 12. Plaintiff incorporates by reference the assertions in all previous paragraphs.

6 13. At all relevant times, Life Care Center of Sierra Vista, through its agents acting within  
7 the course and scope of their authority, had a duty to provide reasonable care to its  
8 patients, including Nelita Bailey.  
9

10 14. Life Care Center of Sierra Vista breached its duty to Ms. Bailey to provide medical  
11 attention and treatment that met the standard of care for rehabilitation nursing home  
12 facilities by its careless and reckless treatment of Nelita Bailey's observable medical  
13 condition, including but not limited to her worsening sacral bed sores.  
14

15 15. As a direct and proximate result of Life Care Center of Sierra Vista's negligent  
16 treatment of Nelita Bailey's condition, Ms. Bailey suffered painful and enduring  
17 personal injuries and resulting emotional distress.  
18

19 16. As a further direct and proximate result of Life Care Center of Sierra Vista's  
20 negligence, Charles Bailey suffered a loss of consortium and resulting emotional  
21 distress.  
22

23 **COUNT TWO – PUNITIVE DAMAGES**

24 17. Plaintiff incorporates by reference the assertions in all previous paragraphs.

25 18. Life Care Center of Sierra Vista consciously pursued a course of action knowing it  
26 created a substantial risk of significant harm to Nelita Bailey.  
27  
28

1 19. Life Care Center of Sierra Vista's actions justify an award of punitive or exemplary  
2 damages in Plaintiff's favor.

3 WHEREFORE, Plaintiff seeks compensatory and punitive damages from Life Care  
4 Center of Sierra Vista for such sums in excess of \$300,000.00 that will reasonably and  
5 justly compensate him for damages caused by Defendant in an amount to be proven at  
6 trial, and for any other relief the Court deems just and proper.  
7

8 DATED this 6<sup>th</sup> day of February, 2019.  
9

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